IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANTS: Justin P. Marston and Andrew S. Hatch

SERIAL NO.: 10/789,461

FILING DATE: February 26, 2004
TITLE: Messaging System

EXAMINER: Ryan J. Jakovac

GROUP ART UNIT: 2145

ATTY. DKT. NO.: 23682-07629

CERTIFICATE OF ELECTRONIC (EFS-WEB) TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.8(a)(i)(C) from the Pacific Time Zone of the United States on the local date shown below.

Dated: September 9, 2008 By: Christopher King/

Christopher P. King, Reg. No.: 60,985

NOTICE OF APPEAL UNDER 37 CFR § 41.31

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final Office Action of June 24, 2008.

The Commissioner is hereby authorized to charge to Deposit Account No. 19-2555 the required fee under 37 CFR § 41.20(b)(1) and any additional charges or fees as applicable for the payment of the filing of the Notice of Appeal, and the Pre-Appeal Brief Request for Review.

Respectfully submitted, JUSTIN MARSTON ET AL.

Dated: September 9, 2008 By: /Christopher King/

Christopher P. King, Reg. No.: 60,985

Fenwick & West LLP Silicon Valley Center 801 California Street

Mountain View, CA 94041 Tel.: (650) 335-7633

Fax: (650) 938-5200